

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Airman First Class GABRIELA B. VALADEZ
United States Air Force**

ACM S30430

29 July 2005

Sentence adjudged 6 June 2003 by SPCM convened at Goodfellow Air Force Base, Texas. Military Judge: Steven B. Thompson.

Approved sentence: Bad-conduct discharge and reduction to E-1.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Major Terry L. McElyea, Major Andrea M. Gormel, and Major Jennifer K. Martwick.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Lieutenant Colonel Robert V. Combs, and Major Heather L. Mazzeno.

Before

STONE, SMITH, and MATHEWS
Appellate Military Judges

PER CURIAM:

In accordance with her pleas at a special court-martial, a panel of officer and enlisted members convicted the appellant of wrongfully using methamphetamine in violation of Article 112a, UCMJ, 10 U.S.C. § 912a. She was acquitted of wrongfully possessing methamphetamine. The panel sentenced her to a bad-conduct discharge and reduction to E-1. The convening authority approved the sentence as adjudged.

The appellant asserts that her sentence is inappropriately severe.¹ “Generally, sentence appropriateness should be judged by ‘individualized consideration’ of the particular accused ‘on the basis of the nature and seriousness of the offense and the character of the offender.’” *United States v. Snelling*, 14 M.J. 267, 268 (C.M.A. 1982) (quoting *United States v. Mamaluy*, 27 C.M.R. 176, 180-81 (C.M.A. 1959)). We have

¹ This issue is raised pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982).

given individualized consideration to this particular appellant and the circumstances of her case, including her personal circumstances, duty performance, and the nature of her misconduct. We conclude her sentence is appropriate. *See* Article 66, UCMJ, 10 U.S.C. § 866; *United States v. Wacha*, 55 M.J. 266, 268 (C.A.A.F. 2001).

The approved findings and sentence are correct in law and fact, and no error prejudicial to the substantial rights of the appellant occurred. Article 66(c), UCMJ, 10 U.S.C. § 866(c); *United States v. Reed*, 54 M.J. 37, 41 (C.A.A.F. 2000). Accordingly, the approved findings and sentence are

AFFIRMED.

OFFICIAL

ANGELA M. BRICE
Clerk of Court